

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVARO DOMINGUEZ,

Defendant.

**8:16–CR–248**

**ORDER GRANTING MOTION TO  
WITHDRAW AND DENYING MOTION  
TO REDUCE SENTENCE**

This matter is before the Court on the defendant’s *pro se* Motion to Reduce Sentence, [Filing 486](#), and a Motion to Withdraw filed by the defendant’s counsel, [Filing 492](#). The Office of the Federal Public Defender was appointed to represent the defendant pursuant to General Order No. 2023-09. [Filing 487](#). The purpose of this appointment was to determine whether the defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 487 at 1](#). The defendant’s counsel has moved to withdraw as counsel because the “offense of conviction involved a firearm and therefore no relief is allowed pursuant to U.S.S.G. § 4C1.1(a)(7).” [Filing 492 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the defendant is not entitled to a reduction. [Filing 493](#).

The Court has conducted its own review of the defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the defendant is not entitled to the requested sentencing relief. The defendant’s *pro se* Motion is without merit and will be denied. The Court likewise concludes that the Motion to Withdraw should be granted for the reasons set forth in the Motion. Accordingly,

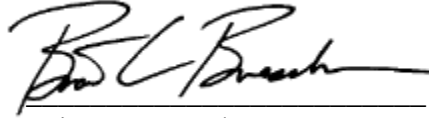
IT IS ORDERED:

1. The Federal Public Defender’s Motion to Withdraw, [Filing 492](#), is granted; and

2. The defendant's *pro se* Motion to Reduce Sentence, [Filing 486](#), is denied.

Dated this 21st day of November, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge